

**MINUTES OF THE  
IMPLEMENTATION OF WATER FLUORIDATION TASK FORCE**

Tuesday, November 6, 2001 - 2:30 p.m. - Room 405 - State Capitol

**Members Present:**

Sen. L. Steven Poulton, Senate Chair  
Rep. A. Lamont Tyler, House Chair  
Sen. Parley Hellewell  
Rep. David L. Hogue  
Rep. Ty McCartney  
Mr. Scott Anderson  
Mr. Richard Bay  
Mr. Brent Bradford  
Mr. Kevin Brown  
Mr. Tague Flint  
Mr. Richard Melton  
Dr. Anthony Tidwell  
Mr. Phil Wright

**Members Absent:**

Sen. D. Edgar Allen  
Ms. Patti Pavey

**Staff Present:**

Mr. Art L. Hunsaker, Research Analyst  
Ms. Cheryl S. Felt, Associate General Counsel  
Ms. Alicia M. Laughlin, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us.imaging/history.asp> or contact the Office of Legislative Research and General Counsel

**1. Call to Order**

Chair Poulton called the meeting to order at 3:05 p.m.

**MOTION:** Dr. Tidwell moved to approve the minutes of the October 24, 2001 meeting, with the following corrections submitted by Ms. Rae Howard, Health Forum of Utah: Agenda Item 6, end of line 5, delete the word "fluoridation" and insert the word "arsenic" and on line 7, delete the words "in addition to limiting fluoride concentration" and insert at the end of the line "allowed in the fluoride chemicals." The motion passed unanimously as corrected.

**2. Setting a Maximum Fluoride Concentration Level for Dental Health**

Sen. Poulton stated that he feels there should not be a minimum fluoridation concentration, only a maximum standard.

Mr. Richard Melton stated that the department would prefer to set a minimum target level that would be the dental standard to define the target range that water suppliers ought to meet on an average.

Sen. Poulton stated that the intent of the task force is to take action that would be appropriate for safety standards and that setting a minimum standard is beyond the intent of the task force. He indicated that he is in opposition to the task force getting involved in any way other than making sure fluoride is safe.

Mr. Anthony Tidwell stated that without a minimum fluoridation standard, there is no purpose in having a standard at all.

Rep. Tyler reiterated the duties and responsibilities of the task force as listed in the task force legislation.

Mr. Fred Finlinson, Jordan Valley Water Conservancy District, indicated that they have requested that the committee set a statewide standard so that water systems would know what concentration levels they are to maintain for dental health. He indicated that their recommendation was that the Department of Environmental Quality set the fluoride concentration standard.

**MOTION:** Sen. Poulton moved that the task force reconsider its previous action on Dr. Tidwell's motion from the August meeting, which recommended that the Department of Health set a fluoride concentration standard for dental health. The motion passed with Rep. McCartney, Mr. Brown, Mr. Flint, Mr. Tidwell, and Mr. Wright voting in opposition.

Mr. Bay discussed what the standards should be in light of the vote. He recommended that the task force decide whether they are to set standards for dental health or only discuss safety issues.

Mr. Randy Williams, Salt Lake Valley Health Department, commented that the department has set a minimal annual standard of 0.9 micrograms per liter for Salt Lake and Davis Counties.

**MOTION:** Mr. Melton moved that the task force not state in its final report anything regarding statewide standards. The motion passed with Dr. Tidwell voting in opposition.

### **3. Seasonal Peak Demand Factors (Chair Poulton)**

Sen. Poulton recognized that the task force's vote to reconsider its action on the request for the Department of Health to make a rule setting a fluoride concentration level rendered the seasonal peak demand factor irrelevant and the task force moved onto the next agenda item.

### **4. Draft Legislation Recommended by the Task Force**

Rep. Tyler reviewed draft legislation "Access to Fluoridated Water."

Mr. Bay spoke in favor of the legislation and indicated that it addresses concerns with Draper City and Traverse Ridge and that based on the third condition in the legislation, homeowners will only have one option for water.

Rep. Tyler reviewed draft legislation "Fluoridation of Public Water Systems in an Emergency."

Mr. Flint asked if the intent of the bill included mechanical failure. Ms. Cheryl Felt, Associate General Counsel, Office of Legislative Research and General Counsel, indicated that in accordance with the language of the statute, mechanical failure would be included if it is considered an emergency.

Ms. Howard stated that the response time of the water district and provision of notice to the public in the event of an emergency should be considered.

Sen. Hellewell expressed concern with the amount of arsenic existing in some potential fluoride supplies and stated that any fluoridating chemical used should not increase the arsenic level in the drinking water more than .018 ug/L.

Rep. Tyler stated that the amount of arsenic that Sen. Hellewell indicated is so small that it cannot be measured.

Mr. Bay stated that currently there is an arsenic standard to protect human health and recommended that the task force stay with the standard that currently exists in the state list of maximum contaminant levels.

Ms. Howard distributed a handout and spoke in favor of the motion. She stated that it would be more expensive to put fluoride in the water with less arsenic, but it is possible to do. She concluded by stating that this is a very serious safety issue.

Mr. Thomas O. Breitling spoke in favor of the motion and indicated that the arsenic levels are above the standard in Magna and that it is a serious health concern.

**MOTION:** Sen. Hellewell moved that the task force recommend that the fluoride used by local governments who approve fluoridation not raise the arsenic level in the drinking more than .018 ug/L. The motion failed with Sen. Hellewell, Sen. Poulton and Rep. Hogue voting in favor and with Rep. McCartney and Mr. Flint absent for the vote.

**MOTION:** Sen. Hellewell moved that before silicone fluoride can be used, the Salt Lake and Davis County Health Departments shall provide research to the legislature which would demonstrate the safety of long term exposure to silicone fluoride when mixed with tap water. The motion failed with Sen. Hellewell and Sen. Poulton voting in favor and with Rep. McCartney and Mr. Flint absent for the vote.

Sen. Hellewell said public notification should be required at appropriate times and places, including all new water service accounts, that public water supplies are being fluoridated. He indicated that the notification would include consumer reports advising the public of the risks associated with arsenic to individuals who should limit their exposure to fluoride.

Dr. Tidwell spoke in opposition to the motion. He stated that it has been proven many times that fluoride is safe.

Rep. Tyler stated that a notification of fluoride in the water is not done in other cities and is inappropriate.

Mr. Bay stated that there is a current mechanism in place to notify the public through annual Consumer Confidence Reports, and he expressed his concerned about the details in the draft language which would frighten the public unnecessarily.

Ms. Howard indicated that not letting the public know about the health concerns of fluoride concentrations is irresponsible. She stated that it is possible to provide notification without frightening the public.

Mr. Anderson spoke in opposition to the motion.

**MOTION:** Sen. Hellewell moved to require public notification that the water supply is being fluoridated and include information regarding safety concerns. The motion failed with Sen. Hellewell, Sen. Poulton and Rep. Hogue voting in favor and with Rep. McCartney and Mr. Flint absent for the vote.

## **5. Adjourn**

**MOTION:** Mr. Hogue moved to adjourn the meeting. The motion passed unanimously with Rep. McCartney and Mr. Flint absent for the vote. Chair Poulton adjourned the meeting at 4:35 p.m.